

Superintendents' Update

April 2002

Bureau of Administration and School Improvement Services Iowa Department of Education

(This document is also available on the DE web site.)

www.state.ia.us/educate/

1. **Annual Progress Report (APR) and Comprehensive School Improvement Plan CSIP**. Thank you to schools and school districts that have returned information to the Department to correct or clarify content missing from local APRs and CSIPs. The Department appreciates the progress and patience with meeting state and federal planning and reporting requirements. Schools will be notified about the status of CSIP and APR corrections submitted. If information to correct or clarify missing content has not been submitted, please do so by May 1, 2002.
Contact: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us
2. **Title I Update**. The Department will keep districts abreast of the new Elementary and Secondary Education Act (ESEA) guidance as it is received from the United States Department of Education. Districts should be aware of the following Title I changes that were enacted as part of the reauthorization:
 - **Title I Funding.** Iowa is scheduled to receive an increase in Title I funding for the 2002-2003 school year. However, the state increase does not guarantee an increase in funding for each district. Title I has no "100% hold harmless" guarantee for the 2002-2003 school year. A variable hold harmless provision has been enacted. This variable hold harmless provision means that a district could receive an increase or as much as a 15% reduction in funding for the 2002-2003 school year. The Title I Office has not received the final allocations but is attempting to run a preliminary projected allocation for districts before April 30th. Some allocation projections have been posted on different Internet sites, but they should not be considered a reliable estimate of funding.
 - **Capital Expenses.** In the past, some districts have applied for "capital expenses" to cover the costs associated with non-public school student participation in Title I. However, no "capital expense" funds have been allocated for the 2002-2003 school year. Costs associated with non-public service will need to come off the top of the new district allocation.

School Leaders in Iowa

- **Waivers/School-wide Programs**
 - The Iowa Department of Education no longer has Ed-Flex status and therefore cannot approve waivers from federal program requirements.
 - Title I buildings with a poverty level of 40% (50% in the past) are eligible to apply for Title I school-wide status. This process still requires a year of planning.
 - **Paraprofessionals.** All newly hired paraprofessionals in Title I funded buildings must have completed two years of college, obtained an associate's degree, or demonstrated through a "formal" assessment their knowledge of and ability to instruct in reading, writing, and mathematics. The Department is awaiting further guidance concerning the "formal assessment" requirement from the United States Department of Education.
3. **Driver Education Annual Report 2000-2001 & Summer.** If a school district has not submitted its annual Driver Education report for the 2000-01 school year and the summer of 2001 and wishes to be included in the Driver Education data (many schools use these data to compare costs), please go to the Department's web site at www.state.ia.us. Click "Driver Education Technical Assistance" and complete the forms on that page. Return the complete forms to Terry Voy, Grimes State Office Building, Des Moines, IA 50319.
Contact: Terry Voy, 515-281-4749, terry.voy@ed.state.ia.us
 4. **Annual Transportation Data Summary Reports Available On the Web.**
Two school transportation reports have been placed on the DE's web site for information and viewing. The first is the 2000-2001 annual "School Transportation Report" which is a summary of transportation data provided via the on-line Annual Transportation Report. The second report is a district-by-district school transportation cost report, including district square miles, miles traveled, total cost, average cost per mile, average cost per pupil transported and per enrolled pupil. These reports appear at www.state.ia.us/educate/programs/transportation.

Survey Results: Charging Fees for Discretionary Transportation
The Department anticipates that results of the e-mail survey about "charging parents for providing non-required students transportation services" will be available on the Department's web site during the first week in April. Survey results will be located in the same web site area as the Transportation Data Summary reports noted above.

School Bus Driver Physicals for 2002-2003. School bus driver physicals for the 2002-2003 school year will be accepted **if the physical is taken on or after May 1, 2002**. Applicants submitting physicals taken prior to May 1st will be issued a current (2001-2002) school bus permit which will expire August 15th.
Contact: Terry Voy, 515-281-4749, terry.voy@ed.state.ia.us
 5. **Rural Education Achievement Program (REAP).** Superintendents should watch the Department of Education web site during the month of April for information on the Rural Education Achievement Program (REAP). Details on eligibility, funding, and the application process will be posted.
Contact: Mary Beth Schroeder Fracek, 515-281-3160
marybeth.schroederfracek@ed.state.ia.us

Legal Lessons

Contact for All Items in This Section: Carol Greta, 515-281-8661,
carol.greta@ed.state.ia.us

6. **Student Admission Age for Kindergarten.** Each year the Department of Education receives phone calls from administrators and parents regarding the legal age of admission to a public school kindergarten. Iowa Code section 282.3(2) unnumbered paragraph three states: “No child shall be admitted to school work for the year immediately preceding the first grade unless the child is five years of age on or before the fifteenth of September of the current school year.” Attorney General Opinion #79-7-3 concludes that there is *no discretion* for school district boards to admit children who have not attained the specified age.
7. **Eligibility Rule Update.** Many thanks to the large numbers of you who responded (or had your A.D. or Principal respond) to the Department’s request for input about whether the academic eligibility requirements for participating in interscholastic sports should be changed. The State Board received a preliminary report from Carol Greta at its March meeting which included the following information:
 - a. Nationally, Iowa is among the 25 states that follow the National Federation of High School Association’s standard of requiring that students pass a minimum of four courses to be eligible. Four states have no state-wide standard, leaving eligibility requirements completely to local schools. Other rules are as follows:

11 states	require that 5 courses be passed
8 states	have statewide minimum GPA requirement of 2.0
1 state	has a 1.5 GPA requirement
1 state	requires that all coursework be passed
 - b. Here are the results from the schools and school districts who gave the Department feedback:

54.4%	favor no change to present rule
21.3%	favor “pass all required coursework”
12.5%	favor going to statewide 2.0 GPA
11.8%	favor some change to present rule, but not 2.0 GPA and not “pass all”

What’s next? The State Board directed Carol to bring several options to the April Board meeting. The discussion continues. If the Board decides to change the present rule, there will be an opportunity for public input. In the meantime, if you haven’t had your say yet, there’s still time. Put your opinion in writing and send to Carol Greta via e-mail (carol.greta@ed.state.ia.us) or fax to: (515) 281-4122.

8. **The headache of Unpaid Student Fees.** A show choir dress here, a driver education fee there – these unpaid fees/costs add up. What can a school or school district do about it? File a small claim with your local clerk of court. The filing fee is around \$30 and is recoverable, along with interest, when the school prevails.

What can the school or district not do? An educational institution may not withhold educational records from the student or student's parent until the money is paid. This is a clear violation of FERPA, the Family Educational Rights and Privacy Act, and can land your school in enough trouble that all – yes, all – federal funds could be withheld from the school if a pattern of not sending out grades when the school is owed any money exists. Use the legal avenue available and do not risk violating FERPA rules. Remember, there are two basic components to FERPA – (1) not giving access to student records to unauthorized persons and (2) making sure students and parents of minor students have unfettered access.

9. **FAQ Update.** FAQs about Compentent Private Instruction (including dual enrollment and home school assistance programs) will be available on our web site within a few days. The Department is currently working on student discipline FAQs.
10. **Athletic Eligibility Cases.** With March Madness still an active memory, we'll take time to review some pertinent athletic eligibility decisions this month. These are not appeals from local board decisions, but from either the IHSAA or IGHSAA. Nevertheless, the decisions provide guidance for an administrator.

The general transfer rule in Iowa, stated very broadly, is that a 10th – 12th grader who transfers from one school to another is ineligible to compete in interscholastic athletic competitions for 90 consecutive school days unless there was a contemporaneous change of parental residence. If the family moves out of one district into another, the student has immediate eligibility with the new district of residence or with a nonpublic school located within the new district of residence or with *any* nonpublic school if the student had attended a nonpublic school immediately before the move. Some cases of note:

1. A student who has been attending a nonpublic school whose parents move to another community must transfer to the new school (it doesn't matter whether public or nonpublic) within a reasonable time after the family moves in order to have immediate eligibility. In this case, the student's family and he moved in January, but the student chose to commute back to his nonpublic school to finish the semester. He was then denied immediate eligibility at the district where he and his parents live because he did not transfer to that school until six months after the move. Although it is not a rule, both athletic organizations will consider a transfer to a new school to be "contemporaneous" with the family's move if the transfer occurs within 30 days of the move. *In re Bargfrede*, 19 D.o.E. App. Dec. 030 (2000).
2. A student who violates the good conduct rule in the school s/he is attending may not avoid the consequences by transferring to another school.
 - a. An 18 year old student who moved into an apartment by himself in another district is ineligible to compete for 90 school days when it was determined that

- he was trying to avoid punishment under his previous school's good conduct rule. *In re Perkins*, 19 D.o.E. App. Dec. 081 (2000).
- b. A student whose parents were divorced who moved from Indiana into Iowa without either parent to live with relatives cannot claim he should be immediately eligible under the "broken home" exception when it was shown that his motivation for moving to Iowa was to avoid the consequences of a previous good conduct rule violation. *In re Bass*, 19 D.o.E. App. Dec. 179 (2001).
3. The "broken home" exception was applied, however, to a student who was otherwise eligible to compete who transferred from a public to a nonpublic school without a contemporaneous change in family residence when the student showed that his sole motivation was to get back to the status quo in his life, which had been interrupted against his will by his parents' divorce proceedings. The nonpublic school was one that the student had previously attended before a change for the worse in his father's finances caused him to withdraw from that school to attend a public school. (When he transferred to the public school, he did serve his 90 school day period of ineligibility.) Once his father's finances became better, he re-enrolled in his former nonpublic school to be in a smaller school where he had many friends. *In re Tweet*, 19 D.o.E. App. Dec. 070 (2000).
4. The 90 school day period of ineligibility does not commence to run until the student has actually started attending the new school. A student who wished to transfer from a public to a nonpublic school in the middle of a term was told by the nonpublic that he had to wait until the present term was finished. The student acknowledged that he would be ineligible for 90 school days, but argued that the time should start when he first asked to transfer to the nonpublic. This argument did not prevail. *In re Lovelady*, 19 D.o.E. App. Dec. 140 (2000).